#### REMARKS

Claims 1-21 are pending in the Application. Claims 1-21 are rejected under 35 U.S.C. §103. Applicants have amended the Specification to correct a typographical mistake as indicated above. Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request the Examiner to reconsider and withdraw these rejections.

Applicants thank the Examiner for discussing the Office Action, and in particular the rejection to claim 15, with Applicants' attorney on April 7, 2004.

#### I. REJECTIONS UNDER 35 U.S.C. §103(a):

The Examiner has rejected claims 1, 3-8, 10-15 and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over Komsthoeft et al. (U.S. Patent No. 6,664,962) (hereinafter "Komsthoeft") in view of Ritchey et al. (U.S. Patent No. 5,495,576) (hereinafter "Ritchey"). The Examiner further rejects claims 2, 9 and 16 under 35 U.S.C. §103(a) as being unpatentable over Komsthoeft in view of Ritchey and in further in view of Keyson (U.S. Patent No. 5,784,052). Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request the Examiner to reconsider and withdraw these rejections.

## A. The Examiner has not presented any objective evidence for combining Komsthoeft with Ritchey.

A prima facie showing of obviousness requires the Examiner to establish, inter alia, that the prior art references teach or suggest, either alone or in combination, all of the limitations of the claimed invention, and the Examiner must provide a motivation or suggestion to combine or modify the prior art reference to make the claimed inventions. M.P.E.P. § 2142. The showings must be clear and particular and supported by objective evidence. In re Lee, 277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433-34 (Fed. Cir. 2002); In re Kotzab, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000); In re Dembiczak, 50 U.S.P.Q.2d. 1614,

1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id*.

The Examiner's motivation for modifying Komsthoeft with Ritchey to output a nonvisual cue corresponding to a depth value in a depth map for each pixel scanned, as recited in claim 15 and similarly in claims 1 and 8, is to "provide Komsthoeft with an interactive input device that would simplify the computing task." Paper No. 3, page 3. This motivation is insufficient to support a *prima facie* case of obviousness since it is merely the Examiner's subjective opinion.

Komsthoeft teaches solving the numerical precision problem while providing techniques and arrangements that perform full scene shadow mapping using low cost, limited precision hardware such as that found for example, in home video game platforms and personal computer graphics accelerators. Column 3, lines 35-40. Komsthoeft further teaches that an aspect of the invention uses a texture coordinate generator to assist in calculating distance between light position and a primitive surface at a precision that is based on the dynamic depth of the scene. Column 3, lines 41-44. Komsthoeft further teaches a texture mapper that uses the generated texture coordinates to look up a precision distance value from a ramp function stored as a texture. Column 3, lines 44-46. Komsthoeft further teaches that the resulting precision distance value can be compared with the corresponding depth value in a shadow map to determine whether or not the pixel is in shadow. Column 3, lines 46-49. Komsthoeft further teaches that texture coordinate generating hardware can be used to calculate texture coordinates that index into a ramp texture lookup storing precision distance values. Abstract. Komsthoeft further teaches that a unique ramp texture providing redundant values can be used to eliminate ramp texture lookup errors. Abstract.

Ritchey, on the other hand, teaches an improved panoramic image based virtual reality/telepresence audio-visual system that includes panoramic three-dimensional input devices and a panoramic audio-visual output device. Abstract.

The motivation provided by the Examiner (provide Komsthoeft with an interactive input device that would simplify the computing task) is not a motivation as to why one of ordinary skill in the art with a primary reference (Komsthoeft) in front of him would have been motivated to modify the teachings of the primary reference (Komsthoeft) with the teachings of the secondary reference (Ritchey). The primary reference (Komsthoeft) teaches texture coordinate generating hardware used to calculate texture coordinates that index into a ramp texture lookup storing precision distance values. The Examiner must provide objective evidence as to why one of ordinary skill in the art with the primary reference (Komsthoeft) in front of him, which teaches texture coordinate generating hardware used to calculate texture coordinates that index into a ramp texture lookup storing precision distance values, would be modified with a secondary reference (Ritchey), which teaches a virtual reality/telepresence audio-visual system that includes panoramic three-dimensional input devices and a panoramic audio-visual output device. See In re Lee, 61 U.S.P.Q.2d 1430, 1433-1434 (Fed. Cir. 2002); In re Kotzab, 55 U.S.P.Q.2d 1313, 1318 (Fed. Cir. 2000). Merely stating to "provide Komsthoeft with an interactive input device that would simplify the computing task" does not address as to why one of ordinary skill in the art with primary reference (Komsthoeft) in front of him would specifically modify the primary reference (Komsthoeft) with the secondary reference (Ritchey). There is no suggestion in Komsthoeft of having an interactive input device that would simplify the computing task. Further, the Examiner has not pointed out what interactive input device in Ritchey would simplify the computing task. Consequently, the Examiner's motivation is insufficient to support a prima facie case of obviousness for rejecting claims 1, 3-8, 10-15 and 17-21. In re Lee, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of combining Komsthoeft, which teaches texture coordinate generating hardware used to calculate texture coordinates that index into a ramp texture lookup storing precision distance values, with Ritchey, which teaches a virtual reality/telepresence audio/visual system that includes three-dimensional input

devices and a panoramic audio-visual output device. *Id.* There is no suggestion in Komsthoeft of having a panoramic three-dimensional input device. Neither is there any suggestion in Komsthoeft of having a panoramic audio-visual output device. Since the Examiner has not submitted objective evidence for modifying Komsthoeft with Ritchey, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 1, 3-8, 10-15 and 17-21. *Id.* 

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Komsthoeft to output a nonvisual cue corresponding to a depth value in a depth map for each pixel scanned. *Id.* There is no suggestion in Komsthoeft of outputting a nonvisual cue. Further, there is no suggestion in Komsthoeft of outputting a nonvisual cue corresponding to a depth value in a depth map for each pixel scanned. Since the Examiner has not submitted objective evidence for modifying Komsthoeft to output a nonvisual cue corresponding to a depth value in a depth map for each pixel scanned, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 1, 3-8, 10-15 and 17-21. *Id.* 

As a result of the foregoing, Applicants respectfully assert that the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 1, 3-8, 10-15 and 17-21. M.P.E.P. § 2143.

## B. Komsthoeft and Ritchey, taken singly or in combination, do not teach or suggest the following claim limitations.

Applicants respectfully assert that Komsthoeft and Ritchey, taken singly or in combination, do not teach or suggest "outputting a nonvisual cue corresponding to a depth value in said depth map, for each pixel scanned" as recited in claim 15 and similarly in claims 1 and 8. The Examiner cites column 30, line 52 – column 31, line 66 of Ritchey as teaching the above-cited claim limitation. Paper No. 3, page 3. Applicants respectfully traverse and assert that Ritchey instead teaches computers rendering holographic signals that represent the optical fringe patterns that would be present in a 3-D hologram composed of 192 horizontal lines. There is no language in

the cited passage teaching a depth map or scanning pixels. Neither is there any language in the cited passage teaching outputting a nonvisual cue corresponding to a depth value in a depth map, for each pixel scanned.

Further, in connection with the rejection to the above-cited claim limitation, the Examiner indicated in the telephonic interview on April 7, 2004, that all holographic images include nonvisual cue. Assuming arguendo that holographic images may include a nonvisual cue, the Examiner must provide a basis in fact and/or technical reasoning to support the assertion that all holographic images output a nonvisual cue corresponding to a depth value in a depth map. Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. In re Robertson, 169 F.3d 743, 745 (Fed. Cir. 1999). Inherency, however, may not be established by probabilities or possibilities. Id. The mere fact that a certain thing may resolve from a given set of circumstances is not sufficient. Id. Therefore, the Examiner must support the inherency argument with objective evidence meeting the above requirements. Since the Examiner has not supported her assertion that all holographic images output a nonvisual cue corresponding to a depth value in a depth map with any objective evidence, the Examiner has not presented a prima facie case of obviousness for rejecting claims 1, 8 and 15. M.P.E.P. §2143.

Claims 3-7, 10-14 and 17-21 recite combinations of features including the above combinations, and thus are patentable for at least the above reasons as well. Claims 3-7, 10-14 and 17-21 recited additional features, which, in combination with the features of the claims upon which they depend, are patentable over Komsthoeft in view of Ritchey.

For example, Komsthoeft and Ritchey, taken singly or in combination, do not teach or suggest "wherein said depth map is received in response to a web page containing said image" as recited in claim 17 and similarly in claims 3 and 10. The

Examiner cites Figure 15 of Komsthoeft of teaching the above-cited claim limitation. Paper No. 3, page 3. Applicants respectfully traverse and assert that Figure 15 of Komsthoeft instead teaches an example image produced by full-scene shadow mapping. Column 21, lines 43-44. Komsthoeft further teaches that Figure 15 illustrates that the torus object projects a shadow onto tessellated floor panels. Column 21, lines 44-45. Komsthoeft further teaches that Figure 15 illustrates that the light direction appears t be coming from a point away from the viewer's viewpoint. Column 21, lines 45-48. However, there is no language in Komsthoeft teaching a web page containing an image. Applicants have performed a search of the term "web" in Komsthoeft and did not identify the term "web" or any variation thereof. Further, there is no language in Komsthoeft teaching receiving a depth map in response to a web page containing an image. Therefore, the Examiner has not presented a *prima facie* case of obviousness since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert the Komsthoeft and Ritchey, taken singly or in combination, do not teach or suggest "if no depth map is received in response to said web page containing said image, generating said depth map" as recited in claim 18 and similarly in claims 4 and 11. The Examiner cites Figure 15 of Komsthoeft as teaching the above-cited claim limitation. Paper No. 3, page 3. **Applicants** respectfully traverse. As stated above, Figure 15 of Komsthoeft instead teaches an example image produced by full-scene shadow mapping. Column 21, lines 43-44. Komsthoeft further teaches that Figure 15 illustrates that the torus object projects a shadow onto tessellated floor panels. Column 21, lines 44-45. Komsthoeft further teaches that Figure 15 illustrates that the light direction appears to be coming from a point away from the viewer's viewpoint. Column 21, lines 45-48. Applicants respectfully point out that the relevance of Figure 15 of Komsthoeft with respect to the above-cited claim limitation is not apparent. Applicants respectfully assert that the Examiner must clearly explain the relevancy of Figure 15 of Komsthoeft with respect to the above-cited claim limitation, pursuant to 37 C.F.R. §1.104(c)(2).

Therefore, the Examiner has not presented a *prima facie* case of obviousness since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Komsthoeft and Ritchey, taken singly or in combination, do not teach or suggest "performing a depth analysis of a set of images associated with said image, said set of images operable for extracting depth information therefrom" as recited in claim 19 and similarly in claims 5 and 12. The Examiner cites element 114 of Figure 3 as teaching the above-cited claim limitation. Paper No. 3, page 3. Applicants respectfully traverse and assert that Komsthoeft instead teaches that element 114 corresponds to a graphics and audio processor. The graphics and audio processor 114 processes 3-D graphics and audio commands to generate visual images on a display and stereo sound on stereo loudspeakers. Komsthoeft further teaches that graphics and audio Column 5, lines 51-57. processor 114 can store audio related information in an audio memory that is available for audio tasks. Column 6, lines 4-6. Further, Komsthoeft teaches that graphics and audio processor 114 provides the resulting audio output signals to an audio codec for decompression and conversion to analog signals so that they can be reproduced by loudspeakers. Column 6, lines 6-11. Applicants respectfully point out that the relevancy of element 114 of Figure 3 with respect to the above-cited claim limitation is not apparent. Applicants respectfully assert that the Examiner must clearly explain the relevancy of element 114 of Figure 3 with respect to the abovecited claim limitation, pursuant to 37 C.F.R. §1.104(c)(2). Therefore, the Examiner has not presented a prima facie case of obviousness since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. In re Rouffet, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Komsthoeft and Ritchey, taken singly or in combination, do not teach or suggest "assigning a depth value corresponding to said depth information for each pixel corresponding to said image" as recited in claim 19 and similarly in claims 5 and 12. The Examiner cites column 8, lines 24-54 of Komsthoeft as teaching the above-cited claim limitation. Paper No. 3, page 4.

Applicants respectfully traverse and assert that Komsthoeft instead teaches that a pixel engine, pixel engine 700, includes a copy operation that periodically writes onchip frame buffer 702 to main memory 112 for access by display/video interface unit 164. Column 8, lines 43-46. Komsthoeft further teaches that this copy operation can also be used to copy embedded frame buffer 702 contents to textures in the main memory 112 for dynamic texture synthesis effects. Column 8, lines 46-48. Komsthoeft further teaches that anti-aliasing and other filtering can be performed during the copy-out operation. Column 8, lines 48-50. Applicants respectfully point out that the relevancy of column 8, lines 24-54 of Komsthoeft with respect to the above-cited claim limitation is not apparent. Applicants respectfully assert that the Examiner must clearly explain the relevancy of column 8, lines 24-54 of Komsthoeft with respect to the above-cited claim limitation, pursuant to 37 C.F.R. §1.104(c)(2). Therefore, the Examiner has not presented a prima facie case of obviousness since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. In re Rouffet, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Komsthoeft and Ritchey, taken singly or in combination, do not teach or suggest "wherein said set of images associated with said image is selected from the group consisting of a stereographic pair including said image and a plurality of images operable for displaying motion" as recited in claim 20 and similarly in claims 6 and 13. The Examiner cites column 1, lines 22-55 of Komsthoeft as teaching the above-cited claim limitation. Paper No. 3, page 4. Applicants respectfully traverse and assert that Komsthoeft instead teaches that shadows are important for creating realistic images and providing the viewer with visual cues about where objects appear relative to one another. Applicants respectfully point out that relevancy of column 1, lines 22-55 of Komsthoeft with respect to the above-cited claim limitation is not apparent. Applicants respectfully assert that the Examiner must clearly explain the relevancy of column 1, lines 22-55 of Komsthoeft with respect to the above-cited claim limitation, pursuant to 37 C.F.R. §1.104(c)(2). Therefore, the Examiner has not presented a *prima facie* case of

obviousness since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Applicants further assert that Komsthoeft and Ritchey, taken singly or in combination, do not teach or suggest "circuitry operable for setting each depth value in a data structure to form said depth map; and circuitry operable for outputting said data structure" as recited in claim 21 and similarly in claims 7 and 14. The Examiner cites element 114 of Figure 3 and column 8, lines 24-54 of Komsthoeft as teaching the above-cited claim limitations. Paper No. 3, pages 3-4. Applicants respectfully point out that the relevancy of element 114 of Figure 3 and column 8, lines 24-54 of Komsthoeft with respect to the above-cited claim limitations are not apparent. Applicants respectfully assert that the Examiner must clearly explain the relevancy of element 114 of Figure 3 and column 8, lines 24-54 of Komsthoeft with respect to the above-cited claim limitations, pursuant to 37 C.F.R. §1.104(c)(2). Therefore, the Examiner has not presented a *prima facie* case of obviousness since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.O.2d 1453, 1455 (Fed. Cir. 1998).

As a result of the foregoing, Applicants respectfully assert that there are numerous claim limitations not taught or suggested in the cited prior art, and thus the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 1, 3-8, 10-15 and 17-21 as being unpatentable over Komsthoeft in view of Ritchey. M.P.E.P. § 2143.

# C. The Examiner has not presented any objective evidence for combining Komsthoeft with Ritchey and Keyson.

As stated above, a *prima facie* showing of obviousness requires the Examiner to establish, *inter alia*, that the prior art references teach or suggest, either alone or in combination, all of the limitations of the claimed invention, and the Examiner must provide a motivation or suggestion to combine or modify the prior art reference to make the claimed inventions. M.P.E.P. § 2142. The showings must be clear and particular and supported by objective evidence. *In re Lee*, 277 F.3d 1338, 1343,

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61 U.S.P.Q.2d 1430, 1433-34 (Fed. Cir. 2002); *In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000); *In re Dembiczak*, 50 U.S.P.Q.2d. 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id*.

The Examiner's motivation for modifying Komsthoeft with Ritchey and Keyson to output a nonvisual cue selected from a group consisting of auditory cues and tactile cues, as recited in claim 2 and similarly in claims 9 and 16, is to provide Komsthoeft "with a data processing system that would require minimum time to interpret feedback." Paper No. 3, page 5. This motivation is insufficient to support a prima facie case of obviousness since it is merely the Examiner's <u>subjective</u> opinion.

As stated above, Komsthoeft teaches that texture coordinate generating hardware can be used to calculate texture coordinates that index into a ramp texture lookup storing precision distance values. Abstract. Komsthoeft further teaches that a unique ramp texture providing redundant values can be used to eliminate ramp texture lookup errors. Abstract.

Ritchey, on the other hand, teaches an improved panoramic image based virtual reality/telepresence audio-visual system that includes panoramic three-dimensional input devices and a panoramic audio-visual output device. Abstract.

Keyson, on the other hand, teaches a trackball that enables entering 3D coordinates into a data processing system through both rotation of the ball and vertical translation of the ball relative to its casing. Abstract.

The motivation provided by the Examiner (provide a data processing system that would require minimum time to interpret feedback) is not a motivation as to why one of ordinary skill in the art with the primary reference (Komsthoeft) in front of him would have been motivated to modify the teachings of the primary reference (Komsthoeft) with the teachings of the secondary references (Ritchey and Keyson). As stated above, the primary reference (Komsthoeft) teaches texture coordinate generating hardware used to calculate texture coordinates that index into a ramp

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texture lookup storing precision distance values. The Examiner must provide objective evidence as to why one of ordinary skill in the art with the primary reference (Komsthoeft) in front of him, which teaches texture coordinate generating hardware used to calculate texture coordinates that index into a ramp texture lookup storing precision distance values, would be modified with a secondary reference (Ritchey), which teaches a virtual reality/telepresence audio-visual system that includes three-dimensional input devices and a panoramic audio-visual output device, with the other secondary reference (Keyson), which teaches a trackball that enables entering 3D coordinates into a data processing system through both rotation of the ball and vertical translation of the ball relative to its casing. See In re Lee, 61 U.S.P.Q.2d 1430, 1433-1434 (Fed. Cir. 2002); In re Kotzab, 55 U.S.P.Q.2d 1313, 1318 (Fed. Cir. 2000). Merely stating to "provide a data processing system that would require minimum time to interpret feedback" does not address as to why one of ordinary skill in the art with the primary reference (Komsthoeft) in front of him would specifically modify the primary reference (Komsthoeft) with the secondary references (Ritchey and Keyson). There is no suggestion in Komsthoeft of providing a data processing system that would require minimum time to interpret feedback. Further, the Examiner has not pointed out how Keyson provides a data processing system that would require minimum time to interpret feedback. Consequently, the Examiner's motivation is insufficient to support a prima facie case of obviousness for rejecting claims 2, 9 and 16. In re Lee, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of combining Komsthoeft, which teaches texture coordinate generating hardware used to calculate texture coordinates that index into a ramp texture lookup storing precision distance values, with Ritchey, which teaches a virtual reality/telepresence audio-visual system that includes three-dimensional input devices and a panoramic audio-visual output device, along with Keyson, which teaches a trackball that enables entering 3D coordinates into a data processing system through both rotation of the ball and vertical translation of the ball relative to its casing. *Id.* There is no suggestion in Komsthoeft of having a trackball. Further,

there is no suggestion in Komsthoeft of having a trackball that enables entering 3D coordinates into a data processing system through both rotation of the ball and vertical translation of the ball relative to its casing. Since the Examiner has not submitted objective evidence for modifying Komsthoeft with the references Ritchey and Keyson, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 2, 9 and 16. *Id*.

Further, the Examiner must subjective evidence and not rely on his own subjective opinion for modifying Komsthoeft to output a nonvisual cue selected from a group consisting of auditory cues and tactile cues. *Id.* There is no suggestion in Komsthoeft of outputting a nonvisual cue. Further, there is no suggestion in Komsthoeft of outputting a nonvisual cue selected from a group consisting of auditory cues and tactile cues. Since the Examiner has not submitted objective evidence for modifying Komsthoeft to output a nonvisual cue selected from a group consisting of auditory cues and tactile cues, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 2, 9 and 16. *Id.* 

As a result of the foregoing, Applicants respectfully assert that the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 2, 9 and 16. M.P.E.P. § 2143.

## D. <u>Komsthoeft, Ritchey and Keyson, taken singly or in combination, do</u> not teach or suggest the following claim limitations.

Applicants respectfully assert that Komsthoeft, Ritchey and Keyson, taken singly or in combination, do not teach or suggest "wherein said nonvisual cue is selected from the group consisting of auditory cues and tactile cues" as recited in claim 2 and similarly in claims 9 and 16. The Examiner cites column 4, lines 45-59 of Keyson as teaching the above-cited claim limitation. Paper No. 3, page 5. Applicants respectfully traverse and assert that Keyson instead teaches that reaction times for a single tactile stimulus are faster than those for visual or auditory cues which leads to faster responses once the cursor enters the target area. There is no language in the cited passage that teaches that the visual or auditory cues correspond

to a depth value in a depth map. Therefore, the Examiner has not presented a *prima facie* case of obviousness since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

As a result of the forgoing, Applicants respectfully assert that there are numerous claim limitations not taught or suggested in the cited prior art, and thus the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 2, 9 and 16 as being unpatentable over Komsthoeft in view of Ritchey and in further view of Keyson. M.P.E.P. § 2143.

#### II. <u>CONCLUSION</u>

As a result of the foregoing, it is asserted by Applicants that claims 1-21 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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